



LEAGUE OF WOMEN VOTERS®  
OF THE UNITED STATES

*President*

**Kay J. Maxwell**  
Greenwich, Connecticut

February 6, 2006

*Vice-Presidents*

**Linda Claire McDaniel**  
St. Louis, Missouri

NEPA Task Force House Committee on Resources  
1324 Longworth House Office Building  
Washington, DC 20515

**Marlys Robertson**  
Boulder, Colorado

Re: NEPA Draft Report Comments

Dear Members of the NEPA Task Force:

*Secretary-Treasurer*

**Shirley Eberly**  
Rochester, New York

Please accept our comments on some of the *Draft Recommendations* for revision of the National Environmental Policy Act issued in your report dated December 21, 2005. The League of Women Voters of the United States supports the landmark NEPA law. We appreciate the opportunity to provide public input to deliberations toward possibly amending the law or its implementation practices.

*Directors*

**Sarah Diefendorf**  
San Francisco, California

NEPA reflects what the League holds to be fundamental values of our democratic and resource-dependent society. It asserts that major federal actions should be evaluated for their potential impacts on resources, that maintaining environmental health is essential to the nation's economy and social welfare, and that citizens have a right to know, and be heard and engaged when such actions affect them or their communities.

**Jan Flapan**

Chicago, Illinois

**Jane Gross**

Plantation, Florida

**Xandra Kayden**

Los Angeles, California

As population continues to grow and pressures on the resources that support us increase, these premises of NEPA seem more important and urgent than when the statute was passed three-and-a-half decades ago. The League and its members all across the nation see that NEPA has achieved notable successes in helping government agencies structure proposed actions in ways more sensitive to valuable community resources. In other words, the NEPA law and its implementation have been a "success story" in protecting the nation's natural resources and public health.

**Odetta MacLeish-White**  
Gainesville, Florida

**Carolie Mullan**

Lubbock, Texas

**Carol Reimers**

Hingham, Massachusetts

We therefore are concerned about many of the draft recommendations that would significantly curtail the means, extent, and "standing" of citizens to be engaged in decision processes or seek judicial enforcement. Among these are the proposed stipulations under 4.1 which, though titled as creating a "citizen suit" provision, would set near insurmountable hurdles. We read this recommendation as shifting to the public the burden of proof regarding the scientific assessments in NEPA cases. At the same time, it sets an arbitrary, short time frame that citizens or small, community-government bodies would often be unable to meet. It proposes an additional, unexplained limit -- beyond the jurisdictional standards already in the law -- on "who has standing to challenge an agency decision."

**Olivia Thorne**  
Wallingford, Pennsylvania

**Mary Wilson**

Albuquerque, New Mexico

*Executive Director*

**Nancy E. Tate**

We consider problematic, as well, the recommendation to limit NEPA

documentation to 150 or 300 pages (2.2). While ease of accessibility of relevant information is of benefit to the public, such an arbitrary and low page limitation seems quite incongruous with current practice. It would be counter to both the public's and agencies' need for comprehensive knowledge on resource condition, action impacts and the alternative options in those few NEPA cases in which a full fledged Environmental Impact Statement (EIS) is deemed desirable.

In this context, we point to the fact, acknowledged in the report itself (p. 11) and in other sources (e.g. the analysis by the Council on Environmental Quality) that EIS-level actions represent only a minuscule proportion -- no more than one percent -- of all NEPA cases annually. Of this small number, covering all the federal agencies, less than one percent reach litigation. Thus, since agencies have determined that 99 percent of proposed resource actions do not exceed the level of baseline, Environmental-Assessment review and the determination of a "Finding Of No Significant Impact" (FONSI). But their public disclosure provides a great benefit in alerting citizens to the need for and nature of proposed actions, and in advancing better understanding and appreciation of the role and work of federal agencies in regards to resource management.

As suggested earlier, there are numerous success stories where the NEPA process has helped shape consensual and resource-sensitive decisions between agencies and community and other stakeholders. Through NEPA, more costly or damaging (and possibly irreversible) mistakes in resource management can usually be avoided, public trust and engagement fostered, and democratic process maintained. We are therefore opposed to recommendations such as those in Group 1, which would substantively restrict full NEPA options or set timelines that could inadvertently impose, or might deliberately invite, the bypassing of such options. Similarly, some suggestions in Group 5 are problematic, limiting analysis instead of including alternatives that minimize or avoid harmful environmental impacts, as intended by NEPA. We read 5.2 as curtailing both public involvement and agencies' decision-making authority. The League is opposed to these recommendations.

While acknowledging need for, and possible benefits, of exploring "better federal agency coordination" (Group 6), we urge caution that critical consulting and advisory functions of different agencies not be curtailed or abandoned. In particular, the fundamental authority of the federal wildlife agencies and environmental protection agency should be upheld. In addition, we recommend a requirement that project impacts and successes in mitigating adverse impacts should be monitored.

In summary, we question the need for substantive changes to NEPA and believe that most of the recommendations of the December 21, 2005 report, as drafted, should not be implemented. Thank you for considering comments from the League of Women Voters.

Sincerely,

Kay J. Maxwell, President